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Response to Office Action mailed February 1, 2005

Response transmitted Monday, May 2, 2005

REMARKS

1. The application was filed with 26 claims, all of which remain pending in the application. Applicants thank the Examiner for pointing out the antecedent errors in Claims 1 and 11, which have been amended to correct the errors. Support for the amendments is found at least in the claims as filed, and in the specification at p. 2, lines 21-22 and p. 8, lines 1-5 and p. 9, lines 1-18.

2. Claims 23-26 are rejected under 35 U.S.C. § 101 as non-statutory subject matter. Claim 23 has been amended to make it clear that the process uses or involves technology, e.g., a computer. Support for the amendment is found at least in the specification, at p. 11, lines 25-27. The Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 101.

3. Claims 1-9, 11-13, and 15-22 are rejected under 35 U.S.C. § 102(a) as being anticipated by a magazine article by Marjo Johnne, published March, 2001, and entitled, "Picking up the pace (biometric technology in air travel)" ("Marjo"). Applicants traverse the rejections, because the article does not teach all the limitations of the claims.

Claim 1

The article by Marjo mentions certain aspects of biometrics, but does not teach a method as recited in Claim 1.

i. Marjo does not teach, for example, the Claim 1 limitation of "sending data identifying the passenger to a government or a governmental agent in a destination country." The rejection cites Marjo, page 1, lines 47-54, as teaching this step. The cited passage, however, merely states that Canadian passenger may someday be able to use Marjo's system for customs clearance. There is no teaching or suggestion of sending data identifying the passenger to a destination country, since the passage clearly states that the data will be used for customs clearance for Canadians re-entering Canada. The passage does not teach the recited limitation.

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ii. There is no teaching of the amended Claim 1 step of "entering information identifying the passenger a second time into a computer." The rejection cites Marjo, page 1, lines 11-19, as anticipating this step. Lines 11-19, however, do not involve the sending of data, but rather teach that the passenger himself or herself breezes through the checkpoints, pausing only to look into a camera for a few seconds. This step of Claim 1 has been amended to recite, "entering information identifying the passenger a second time into a computer before departure and verifying an identity of the passenger."

We assume the Examiner's argument is that this passage suggests that a scan is taken and recorded. Even with this argument, however, there is no teaching in Marjo that this step takes place before departure, since the passage explicitly teaches that the passenger then picks up his car keys after looking into the camera. Thus, Marjo teaches a second scan not before departure, but after arrival, consistent with a customs inspection for a passenger returning to his own country, rather than for a method of processing an international passenger as claimed.

Thus, the reference does not disclose at least these limitations of Claim 1. Nevertheless, to make the recitation of the invention even clearer, Claim 1 has been amended to specifically recite that the step of entering information a second time occurs before departure. Applicants submit that Claim 1 is allowable.

Claim 3

As discussed above for Claim 1, Marjo does not teach recording an image in the passages cited. Thus, there is no teaching of recording a second electronic image, only of checking the passenger in a scan, and thus there can be no electronic image recorded in a destination country. Nevertheless, to better describe the invention, Claim 3 has been amended to recite that the electronic image is transmitted to the second country. Support for the amendment is found at least in the specification at p. 13, lines 1-6. Claim 3 is allowable because Marjo does not teach or disclose transmitting a second electronic image to a destination country.

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Claim 4

Claim 4 recites that an electronic image of the passenger is recorded on an aircraft. The rejection cites Marjo, lines 33-35, stating that users will be issued optical memory card, including biometric data. There is no teaching of where the electronic image is recorded, such as on an aircraft. The reference does not teach the claim limitations, and there is no prima facie anticipation of Claim 4. The Examiner is respectfully requested to withdraw the rejection of Claim 4.

Claim 9

The rejection cites Marjo, p. 1, lines 11-12, as teaching the Claim 9 limitations. Lines 11-14, however, merely state that when you arrive at your destination, you just breeze through the checkpoints, and look into a camera for a couple of seconds. This does not teach the Claim 9 limitation of "routing the passenger according to a result of the comparison of the first electronic image and the subsequent image."

Claim 11

Claim 11 recites steps for a method of electronically inspecting baggage, making and routing a record of the inspection, and routing the baggage. The rejection cites Marjo, page 2, lines 17-19, as teaching these steps. Lines 17-19, however, merely state that luggage may have a tag with biometric data, to confirm that the passenger boarded the plane. There is no teaching of inspecting baggage, making a record of the electronic inspecting, entering the record into the computer memory, sending the record, and routing the baggage, as recited in Claim 11. The reference does not teach the claim limitations, and there is no prima facie anticipation of Claim 11. The Examiner is respectfully requested to withdraw the rejection of Claim 11.

Claim 12

The rejection cites Marjo, page 1, lines 48-49, as anticipating the Claim 12 limitation of giving the passenger notice of an instruction. Lines 48-49 merely state that biometric systems may be used to allow Canadians re-entering Canada to clear customs. Claim 12

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depends from Claim 1, including the step of routing the passenger in accordance with the data and an instruction from the government or a governmental agent, where Claim 12 adds a further limitation of giving the passenger notice of the instruction. There is no teaching or suggestion in Marjo of a step of "further comprising giving the passenger notice of an instruction of the government or government agent." Claim 12 is thus allowable.

Claim 15

The rejection of Claim 15 on p. 7 of the Office Action cites only a computer interface and a memory, a camera linked to a computer, and feature, voice or facial recognition software. See Office Action, p. 7, lines 14-19. Claim 15, however, recites many limitations besides the four cited limitations, including a second camera, a customs form stored in at least one computer memory, and several important functional limitations. Therefore, the Office Action does not make out a prima facie case of anticipation against Claim 15, since for anticipation, all the limitations of the claim must be found in the reference. Accordingly, Claim 15 is allowable since there is no prima facie anticipation as to Claim 15.

Claims 16-22

The Office Action does not list specific locations in the Marjo reference for the limitations of Claims 16-22. Claims 16-22 are allowable at least because they depend from Claim 15. The Examiner is respectfully requested to withdraw the rejections of Claims 15-22.

4. Claim 10 is rejected under 35 U.S.C. § 103(a) as being obvious over a magazine article by Marjo Johne, published March, 2001, and entitled, "Picking up the pace (biometric technology in air travel)" ("Marjo"), in view of Official Notice. The rejection states that Marjo discloses filling out forms on a computer and sending them to an agent of the government and routing the passenger according to a government or governmental agent. The rejection takes Official Notice that it is old and well known to fill out forms and

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send them, and it would have been obvious to fill out a customs declaration form in Marjo's system for the benefit of increased speed of processing through the airport.

The rejection cites no passage in Marjo for the steps of filling out a custom declaration form, entering the form into a computer memory, sending the form to the government or to a governmental agency, and routing the passenger in accordance with the government or governmental agent. Accordingly, even if it is old and well known to fill out forms, the rejection does not cite, and Marjo does not teach or suggest, these other limitations of Claim 10. Accordingly, there is no prima facie rejection of Claim 10, which is therefore allowable.

5. Claim 14 is rejected under 35 U.S.C. § 103(a) as being obvious over a magazine article by Marjo Johnne, published March, 2001, and entitled, "Picking up the pace (biometric technology in air travel)" ("Marjo"), in view of Applicants' disclosure. The rejection cites no passage from Marjo and admits that Marjo does not teach the limitations of Claim 14. Office Action, p. 8, lines 12-14.

The rejection cites Applicants disclosure, p. 1, lines 19-20 for the Claim 14 limitation "wherein no instruction is received from the government or governmental agent, and the passenger is automatically required to process through customs or immigration or both customs and immigration." Lines 19-20 of page 1 of the specification state that "these passengers include businessmen and businesswomen anxious to retrieve their luggage and proceed to their destinations." There is no teaching or suggestion of "the passenger is automatically required to process through customs or immigration," or both. Accordingly, with no citation from Marjo, and no teaching in the cited passage that concerns Claim 14, there is no prima facie rejection of Claim 14, which is allowable.

6. Claims 23-24 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,044,353 to Anthony Pugliese ("Pugliese") in view of U.S. Pat. No. 6,335,688 to Clifford Sweatte ("Sweatte"). The rejection states that Pugliese discloses all the limitations of Claim 23, except for the limitation of sending the passenger from the first country to the

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second country, which Sweatte discloses. The rejection also states that Pugliese discloses the limitations of Claim 24.

Applicants traverse the rejections. As to Claim 23, neither Pugliese or Sweatte teach or suggest using the identification information as claimed so that when the passenger arrives at the second country, the information has been processed and the passenger is routed in accordance with the information, so that the passenger is then routed to customs, immigration, or no further processing required.

Nevertheless, in order to expedite prosecution, Claim 23 has been amended to make clearer the required processing of information. Support for the amendment is found at least in the specification at p. 13, lines 3-12 and 19-24. Amended Claim 23 is allowable because the cited art does not disclose collecting and processing information, and then on arrival, routing a passenger depending on the interest of the government official in the destination country. The Examiner is respectfully requested to withdraw the rejection of Claim 23. Claim 24 is allowable because it depends from allowable Claim 23.

7. Claim 25 is rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,044,353 to Anthony Pugliese ("Pugliese") in view of U.S. Pat. No. 6,335,688 to Clifford Sweatte ("Sweatte"), and further in view of Official Notice. Applicants traverse the rejection. The rejection does not cite any passage or paragraph in Pugliese for filling out forms. Applicants have conducted a word search of Pugliese, and are unable to find any reference to filling out a form. Pugliese teaches RFID tags and bar codes, but does not teach or suggest filling out forms electronically as claimed, or otherwise. Accordingly, the Office Action fails to make out a prima facie rejection. Claim 25 is allowable, and Applicants respectfully request the Examiner to allow Claim 25.

8. Claim 26 is rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,044,353 to Anthony Pugliese ("Pugliese") in view of U.S. Pat. No. 6,335,688 to Clifford Sweatte ("Sweatte") and further in view of Applicants' disclosure. The rejection states that Pugliese discloses that the passenger proceeds to an Immigration booth upon

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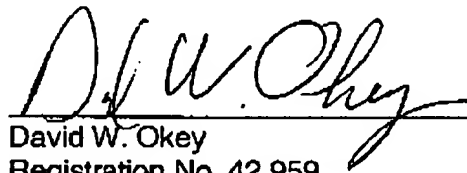
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arrival in the second country to automatically verify his or her identification, and to receive instructions for proceeding.

Applicants have done a word search on Pugliese and the word "immigration" is not present. Furthermore, the Office Action admits that Pugliese does not disclose sending the passenger from a first country to a second country, and does not disclose sending information to a government official in the second country. Office Action, p. 9, lines 4-6. Accordingly, there is no prima facie rejection of Claim 26, which is therefore allowable.

9. Each independent claim of the application, Claims 1, 15, and 23, includes at least one limitation not taught or suggested in the cited art. In addition, many of the dependent claims also are not taught or suggested in the art cited. Accordingly, the references do not teach all the limitations of the inventions recited in the claims. The Examiner is requested to reconsider the application, to make of record the art cited during the interview, and to advance the claims to allowance.

Respectfully submitted,



David W. Okey
Registration No. 42,959
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200